IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4942 OF 2006

Pushpa Rambhau Thakur.... ... Petitioner.
Versus
State of Maharashtra & Anr.. ... Respondents.

Mr. R.K.Mendadkar a/w Ms.H.K.Mandlik for the Petitioner.

Mr. C. R. Sonawane, AGP for the Respondents.

CORAM : R. M. LODHA &

NARESH H. PATIL, JJ.

DATED : 1ST AUGUST, 2006.

P.C. :

Rule, returnable forthwith.

2. Mr. C. R. Sonawane, Assistant Government Pleader, waives service for respondents. By consent, rule is heard finally at this stage.

3. This case reflects how the action or lack of swift action on the part of respondent no.2, namely, Scheduled Tribe Certificate Scrutiny Committee, Nasik Division, Nasik could multiply the avoidable proceedings before this Court.

4. The issue as to whether the petitioner belongs to scheduled tribe "Thakur" is concluded by the decision of this Court dated 25th August, 2000 in Writ Petition No. 3461 of 1993. The division bench of this Court passed the following order while disposing of the aforesaid writ petition:

"9. In view of the non-availability of such power, we hereby set aside the impugned order dated 7th November, 1992 and make the rule absolute in terms of prayer (a) and declare that the petitioner belongs to Thakur (ST) community and she shall be entitled to all the benefits and so also entitled to all the ancillary reliefs."

5. This Court having already declared that the petitioner belongs to Thakur (Scheduled Tribe), the only thing that was required to be done by respondent no.2 was to issue formal caste validity certificate in Form ‘G’. This is nothing but a clerical exercise and ought to have been done long before. Having not done that for almost six years the petitioner was compelled to file this writ petition. As a matter of fact, Mr. C. R. Sonawane, Assistant Government Pleader, stated and in

our view fairly, that the caste validity certificate in Form 'G' ought to have been issued by respondent no.2 long back.

6. We now dispose of this writ petition by following order:

(a) The respondent no.2, namely, Scheduled Tribe Certificate Scrutiny Committee, Nasik Division, Nasik, shall issue caste validity certificate in Form 'G' to the petitioner pursuant to the order passed by this Court on 25th August, 2000 in Writ Petition No. 3461 of 1993 expeditiously and in no case later than 15 days from the date of production of the order of this Court.

(b) The petitioner shall be entitled to all the benefits as are entitled to a candidate of the scheduled tribe.

(c) No costs.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)